

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHERYL COX,

Plaintiff,

Case No. 6:22-cv-6207(FPG)(MJP)

v.

CITY OF ROCHESTER, DAKOTA VANBREDERODE,

Defendants.

CHARLES DEMPSEY, Individually, and L.D., by her
father and natural guardian, CHARLES DEMPSEY,

Plaintiff,

v.

THE CITY OF ROCHESTER, a municipal entity, JAVIER
ALGARIN, ADAM GORMAN, "JOHN DOE" RPD OFFICER
RESPONSIBLE FOR TRAINING JAVIER ALGARIN,

Defendants.

Remote Deposition Upon Oral Examination Of:

James W. Crosby, PhD

Date: June 12, 2024

Time: 12:00 p.m.

Reported By: CHRISTINE VIGNA

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109 South Union Street, Suite 400

Rochester, New York 14607



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A P P E A R A N C E S

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* * *



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S T I P U L A T I O N S

WEDNESDAY, JUNE 12, 2024;

(Proceedings in the above-titled matter
commencing at 12:04 p.m.)

* * *

IT IS HEREBY STIPULATED by and
between the attorneys for the respective
parties that this deposition may be taken
by the Plaintiff at this time pursuant to
notice;

IT IS FURTHER STIPULATED, that all
objections except as to the form of the
questions and responsiveness of the
answers, be reserved until the time of the
trial;

IT IS FURTHER STIPULATED, that
pursuant to Federal Rules of Civil
Procedure 30(e)(1) the witness requests to
review the transcript and make any
corrections to same before any Notary
Public;

IT IS FURTHER STIPULATED, that if the
original deposition has not been duly
signed by the witness and returned to the
attorney taking the deposition by the time



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2 of trial or any hearing in this cause, a
3 certified transcript of the deposition may
4 be used as though it were the original;

5 IT IS FURTHER STIPULATED, that the
6 attorneys for the parties are individually
7 responsible for their certified transcript
8 charge, including any expedite or other
9 related production charges;

10 AND IT IS FURTHER STIPULATED, that
11 the Notary Public, CHRISTINE VIGNA, may
12 administer the oath to the witness.

13 * * *

14 THE COURT REPORTER: Will the
15 attorneys participating in this matter
16 acknowledge that I am not physically
17 present with the witness and that I will be
18 stenographically reporting this from a
19 remote location;

20 And will you also verify that the
21 witness is, in fact, James W. Crosby, PhD;

22 In addition will you stipulate that
23 in lieu of an oath administered in person,
24 I will administer the oath remotely under
25 penalty of perjury to the witness



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2 that --

3 A. Okay.

4 Q. -- sounds familiar.

5 And you are saying pole, like P-O-L-E
6 and not P-O-L-L?

7 A. Pole, P-O-L-E, correct.

8 Q. And how do law enforcement officers
9 know which alternative control measures are best
10 used in a given set of circumstances?

11 A. That entirely or largely depends on
12 two things. The officer's understanding and
13 training to use the various tools and which of those
14 tools the officer has present and available to them.

15 Q. Does which alternative control
16 measure is best depend on any other factors?

17 A. It can depend on things such as your
18 purpose in interacting with the animal. If you are
19 capturing an animal as an animal control officer or
20 a police officer doing duties that require capturing
21 a dog, a domestic dog, for instance, a control pole
22 would be far superior to, for instance, a Taser.

23 Because a Taser is not a -- or any
24 other conducted-electrical weapon is not intended to
25 be for capture. It's for defense and deterrence.



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2 So your mission of what you're doing would
3 significantly affect which tool or tools you
4 would -- would be more effective and more practical.

5 Q. Okay. I have a few questions about
6 Tasers. Do you believe that Tasers are effective
7 non-lethal options to use on aggressive dogs?

8 A. Absolutely. Not only do I believe
9 so, but I have physically observed and been present
10 when they have been used and have observed that they
11 have been, in my experience, 100 percent effective
12 on deterring an animal from approaching the officer
13 that was deploying the Tasers or, frankly, anybody
14 else in the immediate neighborhood.

15 Oh, bless you.

16 Q. Thank you. So you may have to repeat
17 some of what you just said.

18 My question is, what's the basis of
19 your belief that Tasers are effective on aggressive
20 dogs?

21 A. To begin with, I have physically
22 observed and been present when Tasers have been
23 deployed against dogs that were showing aggressive
24 behavior. I've also viewed videos of dogs that have
25 been -- where Tasers have been directly deployed.



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2 I'm also aware that both the National
3 Animal Control Association and the International
4 Association of Chiefs of Police, among other
5 agencies, recommend Tasers as defensive, not
6 capture, tools for domestic dogs and recognize them
7 as being highly effective and dependable.

8 That includes things such -- or
9 agencies such as the Los Angeles Police Department,
10 the New York Police Department, Miami Police -- or
11 Miami-Dade Police Department. They're recognized as
12 quite effective, especially when the officers have
13 been taught the proper way to deploy them against
14 the dog, just like you have to be taught to deploy
15 them against a person.

16 Q. How many times have you been
17 physically present when someone has used a Taser on
18 a dog?

19 A. At least twice, maybe three times.

20 Q. Can you tell me about the first of
21 those situations?

22 A. In all three cases, it was where an
23 aggressive -- dogs were showing offensively
24 aggressive behavior trying to bite. And the police
25 officers in all three cases deployed their Tasers.



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2 The Tasers in all three cases did make proper
3 contact with the dog.

4 The dog at those -- in each of those
5 cases dropped immediately to the ground honestly
6 screaming and twitching from the electrical impulse.
7 And in all three cases, as soon as the officer
8 released the trigger, in other words, terminated the
9 electrical stimulation, the dogs very energetically
10 jumped up and ran away from us or the officer.

11 I've also seen it used on about a
12 250-pound wild pig that was charging myself, two of
13 my animal control officers and a police officer when
14 I was running animal control out in West Florida.
15 Again, the officer -- the pig charged and actually
16 was able to get a tusk -- or the protruding lower
17 teeth hooked into one of my officer's pants. The
18 officer -- the police officer thankfully Tased him
19 and hit him immediately.

20 And in that case, the pig screamed,
21 levitated straight up in the air and departed
22 towards the body of water there at high, high, high
23 speed and was never seen in that city park again.

24 Q. How large were the dogs that you saw
25 someone use a Taser effectively on?



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2 A. Large dogs in probably the 60 to 100
3 pound range.

4 Q. Have you ever reviewed any studies
5 that test whether Tasers are effective on dogs?

6 A. Yes. I don't remember the exact
7 study right now, but I have seen research. And
8 again, I've also seen the policy statements by
9 various state animal control associations and the
10 National Animal Control Association regarding
11 the -- the effectiveness of conducted electrical
12 weapons against domestic dogs.

13 Q. What do you remember about the
14 studies that you've reviewed in the past about
15 Tasers and dogs?

16 A. The studies I've seen have basically
17 been -- they have not been experimental. They
18 haven't been, for instance, where ethics were
19 violated by deliberately Tasing dogs to see what
20 happens. They've been based on anecdotal surveys of
21 Taser usage across fairly large samples. So, you
22 know, across different departments.

23 And in those cases where both probes
24 have made contact as is proper with the animal, I'm
25 aware of zero cases where the animal did not respond



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2 again by initial -- with dogs, initially dropping to
3 the ground. And then when the impulse was removed,
4 heading for the skyline.

5 Q. Did those studies report on how many
6 occasions both probes don't make contact?

7 A. No. I haven't seen any -- any
8 studies on that. There's -- there is guidance in
9 the policies that if one is using a Taser designed
10 for human targets, that one properly deploys it by
11 turning it sideways so that the probes deploy left
12 and right because a dog is generally oriented left
13 and right. Whereas, people are up and down.

14 There are now Tasers available that
15 are designed for use against animals and already
16 have the probes designed to deploy horizontally
17 rather than vertically.

18 MR. SHIELDS: Can we take a bathroom
19 break at some point? It doesn't have to be
20 right now.

21 MS. JONES: Sure. I just have a few
22 more questions on Tasers.

23 THE WITNESS: Okay.

24 Q. Do you remember how many data points
25 or anecdotes were included in those studies that you



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